



Pete Ricketts, Governor

Return Receipt Requested

JUN 12 2017

Mike Skeans, Vice President of Engineering
Western Sugar Cooperative
7555 East Hampden Ave, Suite 520
Denver, CO 80231

Notice of Violation (NOV)

RE: Western Sugar Cooperative, Scottsbluff
NDEQ ID: 44141
Program ID: NE0111686

Dear Mr. Skeans:

This Notice of Violation is being issued to you for violations of §81-1506(1) and (2); Title 119, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*; and Title 123, *Operation and Maintenance of Wastewater Works*.

The following observations were made during site visits conducted on April 18 through April 21, 2017 at the Western Sugar Cooperative, Scottsbluff facility:

- A. Discharge to Waters of the State.** A breach of the retention pond resulted in a discharge of precipitated calcium carbonate and mud slurry to waters of the State, which is prohibited by § 81-1506(1).
- B. Failure to comply with permit terms and conditions.** The discharge is not authorized by NPDES Permit NE0111686. An unauthorized discharge is prohibited by § 81-1506(2) and is a violation of Title 119, Chapter 14, Sections 001.01 and 003.
- C. Installation of a wastewater works without a construction permit.** The retention pond has been installed without a wastewater construction permit, which is prohibited by § 81-1506(2) and is a violation of Title 123, Chapter 3, Section 001.

Regulations that have been referenced are available online at the Department's website:
<http://deq.ne.gov>

In order to cease and/or mitigate these violations the Department requests that you provide the following:



1. **Immediately**, cease any discharges of precipitated calcium carbonate and mud slurry.
2. **Within 15 days from the date of this notice**, submit a written report to the Department describing the cause of the discharge, the source of the water discharged and potential pollutants, the strength of those pollutants, the amount of water discharged, and when you became aware of the discharge. Also include what efforts were made to mitigate the discharge and measures implemented to prevent future discharges.
3. **Within 30 days from the date of this notice**, submit an engineering evaluation of the retention pond, prepared by a professional engineer.

The Department requests that you voluntarily comply with these corrective measures. Compliance with this request does not mean that enforcement action relative to these violations will not be considered. We will evaluate your prompt compliance and will consider your efforts to determine if enforcement action is warranted. Enforcement action may include issuance of an administrative order, referral to the Attorney General for penalties of up to \$10,000 per day per violation, and/or injunctive relief.

Please direct all contacts and any written response to this NOV to:

**John Flint, Program Specialist
NDEQ Water Quality Division
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
Phone 402-595-1766**

Sincerely,



Shelley Schneider

Water Permits Division Administrator

RSA/rsa

cc: Lisa Giesbrecht, NDEQ
John Flint, NDEQ
Tom O'Connor, NDEQ